

PATENT  
Attorney Docket No. 07553.0030 (formerly 07363.0010)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: )

U.S. Patent No.: 5,792,261 )

Inventor: Kiichi HAMA et al. )

Issued: August 11, 1998 )

Serial No.: 09/478,370 )

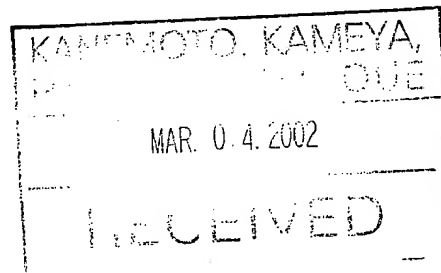
Filed: February 16, 2000 )

For: PLASMA PROCESS  
APPARATUS )

Group Art Unit: 1763

Examiner: L. Alejandro Mulero

Assistant Commissioner for Patents  
Washington, D.C. 20231



Sir:

DECLARATION UNDER 37 C.F.R. § 1.175

We, KIICHI HAMA, JIRO HATA, and TOSHIAKI HONGO hereby declare that:

1. Our residences, post office addresses and citizenship are as stated below under our respective names.

2. We believe we are the original, first and sole inventors of the subject matter that is claimed in U.S. Patent No. 5,792,261.

3. We have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

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4. We acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, § 1.56.

5. The issue date of U.S. Patent No. 5,792,261, is less than two years prior to the filing date of this reissue application.

6. We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign applications for patent or inventor's certificate or of any PCT international applications designating at least one country other than the United States of America listed below and have also identified below any foreign applications for patent or inventor's certificate or any PCT international applications designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the applications of which priority is claimed.

Country (if PCT indicate PCT)	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. § 119
Japan	5-343871	December 17, 1993	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Japan	6-076717	March 23, 1994	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Japan	6-076727	March 23, 1994	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

7. We believe the original patent to be wholly or partly inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent.

8. The following is at least one error on which we rely to support the reissue application (*i.e.*, the basis for the reissue): claim 1 of the issued patent recites "an

induction electrode, for generating electromagnetic field between (1) said window plate and (2) said substrate mounted on said support face . . . and including a coil arranged in said auxiliary chamber and facing said window plate." A coil is one possible embodiment of an induction electrode that can be used with the invention. In the description of preferred embodiments, the specification discloses at col. 6, line 31, that plural or two coils are used "in this case." However, the invention is not limited to use of a coil to generate a field and induce the plasma. An induction electrode, "antenna" (see col. 6, line 27), or a "planar spiral coil" also would serve this purpose. Accordingly, the presence of the "coil" term in issued claim 1, the only independent claim of the '261 patent, creates a limitation that results in the patent claiming less than we had the right to claim, rendering the patent partly inoperative because this claim might not read on an otherwise infringing product having another induction electrode or antenna in place of a "coil."

9. All errors being corrected in the reissue application up to the time of filing the present Declaration arose without any deceptive intention on our part.

10. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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